# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/689,671 | 10/22/2003 | Sorin S. Tudora | B&B-117 | 4909 |

7590 07/27/2006

Shaw Pittman LLP
1650 Tysons Boulevard
McLean, VA 22102

| EXAMINER | |
|---|---|
| WILLIAMS, MARK A | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3676 | |

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/689,671 | TUDORA ET AL. | |
| | Examiner | Art Unit | |
| | Mark A. Williams | 3676 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *08 May 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1 and 3-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1, 3-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 5, 7, 10, 11-13, and 16-18, as best understood, are rejected as being unpatentable under 35 U.S.C. 103(a) by Tidbury et al., US Patent 5,937,585, in view of Soss, US Patent 1,447,271, and in further view of Tolle et al., US Patent 4,997,221. Tidbury provides an anti-rattle door assembly for a vehicle comprising a first member 22 including a first base plate 30 and a roller 38 disposed on the first base plate; a second member 26 configured to receive the roller of the first member; and a bumper element associated with the second element, wherein the bumper element is configured to at least partly enclose the roller. A second base plate (26 or 20) is provided, as claimed. The roller receiving part is displaceable relative to the second base place. The roller is adjustable based on how it is positioned within the recess. A depression 82 is provided, as claimed.

Tidbury discloses the claimed invention except explicit teaching of (1) a bumper element mounted within the guide recess as claimed, and (2) the roller having a section of high lubricity, (3) The roller being nonrotatable, as claimed.

Regarding (1) Soss teaches this generally old and well-known concept at figure 3. Such structure is known for providing a buffering effect during engagement of a roller, or like element. It would have been obvious at the time the invention was made for one skilled in the art to have included in the design of Tidbury such a modification, as generally taught by Soss, for the purpose of providing a buffering effect during engagement of the roller.

Regarding (2), Tolle provides a roller having a section of high lubricity. It is well known in the art to use such a design in order to minimize friction. It would have been obvious to modify the device in such a way, for the purpose of minimizing friction.

Regarding (3), the examiner serves Official Notice that it is well known throughout the art to use sliding or glide members interchangeably with rollers. Such structure is considered art recognized equivalents, and would been considered an obvious modification.

4. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tidbury in view of Soss and Tolle and in further view of Ingham, US Patent 3,358,318, and Fleischauer et al., US Patent 4,198.833. The combination discloses that portions of the device may be of plastic material, but does not explicitly teach lubricant, and that lubricant being of an acetal (plastic lubricant) ring member, as claimed. It is known in the art of bearings that such materials can be used to achieve a desired lubrication result, thereby reducing friction between members. Inghan teaches a door check device which uses acetal material for the purpose of reducing friction. Fleischauer teaches the concept of a lubricant ring of acetal material for the same purpose. It would have been obvious at the time the invention was made to have modified the device in this way, replacing the lubrication means of Tolle, as general taught in Inghan and Fleischauer, for the purpose of proving an alternative means of reducing friction between members.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tidbury in view of Soss and Tolle in further view of Nakanishi, US Patent 4,086,681. Nakanishi disclose dovetail attachment means as claimed. Such attachments means are old and well known in the art. It would have been obvious at the time the invention was made for one skilled in the art to have included in the

design of the combination such a modification, as generally taught by Nakanishi, for the purpose of gaining alternative means of attachment of two members.

6. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tidbury in view of Soss and Tolle. Although the combination does not explicitly teach the second member being on the door, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device in this way, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167. Such a modification is not critical to the design and would have produced no unexpected results. Such structure is considered functionally and structurally equivalent.

7. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Tidbury et al. in view of Soss and Tolle, and in further view of Angle, US Patent 4,544,192. The combination does not explicitly disclose ratchet means as claimed. Such means is well known in the art of latch type connectors for the purpose of adjustment. Angle teaches this concept for the purpose of adjustably correcting misalignment of members. It would have been obvious at the time the invention

was made for one skilled in the art to have included in the design of Tidbury such ratchet means, similar to that of Angle, for the purpose of adjustably correcting misalignment of the roller relative to the base plate during closing of the door.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tidbury in view of Soss and Tolle in further view of Pence, US Patent 3,888,445. The combination does not teach the particular claimed means of attachment. Pence teaches the concept of grooves at 30 for receiving a member for attachment. It would have been obvious to modify the device of the combination in this way, as generally taught by Pence, for the purpose of gaining alternative means of attachment of two members.

***Response to Arguments***

1. Applicant's arguments filed 5/8/06 have been fully considered but they are moot in view of new grounds for rejection.

Applicant argues that the applied combination does not teach the roller being "nonrotatably" mounted, as claimed. Such a limitation in itself is not considered to make the invention patentable. The examiner serves Official Notice that it is well known throughout the art to use sliding or glide members interchangeably with

rollers. Such structure is considered art recognized equivalents, and would been considered an obvious modification. Further, applicant argues that it is not necessary to lubricate a rotatable member, as oppose to a nonrotatable member. However, it is well known in the art to lubrication both rotating and sliding, nonrotatable members. Such a modification would have been obvious.

Applicant argues that Soss teaches away from the present invention by requiring that bumper element be positioned outside the guide recess. However, Soss is solely relied on for its teaching of the general concept of using a bumper in such an environment. Naturally one skilled in the art would obviously elect to place the bumper were it would work most effectively for the device of Tidbury, which would be in the guide recess. Such a modification is still believed to be obvious.

## *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Williams whose telephone number is (571) 272-7064. The examiner can normally be reached on Monday through Friday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark Williams
7/24/06

BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER